

115TH CONGRESS
2D SESSION

H. R. 5172

To assist Indian tribes in maintaining, expanding, and deploying broadband systems.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2018

Mr. O'HALLERAN (for himself and Mr. PEARCE) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To assist Indian tribes in maintaining, expanding, and deploying broadband systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TECHNICAL ASSISTANCE FOR INDIAN TRIBES**

4 **IN APPLYING FOR FINANCIAL ASSISTANCE**

5 **TO MAINTAIN, EXPAND, OR DEPLOY**

6 **BROADBAND SYSTEMS.**

7 (a) IN GENERAL.—The Secretary of Agriculture,
8 through the Office of Tribal Relations in the Department
9 of Agriculture, shall, in consultation with the Office of Na-

1 tive Affairs and Policy of the Federal Communications
2 Commission—

3 (1) create a database of Federal programs and
4 activities under which Indian tribes and tribal orga-
5 nizations, and agencies and instrumentalities of In-
6 dian tribes and tribal organizations, may obtain fi-
7 nancial assistance for the maintenance, expansion,
8 or deployment of broadband systems;

9 (2) provide technical assistance to entities de-
10 scribed in paragraph (1) in applying for or using the
11 financial assistance; and

12 (3) submit to the Congress annual reports on—

13 (A) the number of the entities to which the
14 technical assistance was provided in the fiscal
15 year covered by the report;

16 (B) the number of applications for the fi-
17 nancial assistance that the entities submitted in
18 the fiscal year covered by the report; and

19 (C) the number of efforts made to facili-
20 tate the efforts of the entities to obtain the fi-
21 nancial assistance in the fiscal year covered by
22 the report.

23 (b) MODEL BROADBAND DEVELOPMENT PLAN.—

24 (1) IN GENERAL.—Within 180 days after the
25 date of the enactment of this Act, the Secretary of

1 Agriculture, through the Office of Tribal Relations
2 in the Department of Agriculture, shall develop and
3 publish in the Federal Register a model broadband
4 development plan using the database created under
5 subsection (a)(1), that—

6 (A) identifies overlaps and unique target
7 areas in each programs listed in the database;

8 (B) identifies options for obtaining the fi-
9 nancial assistance referred to in subsection
10 (a)(1), and propose opportunities to enable the
11 entities described in subsection (a)(1) overcome
12 any obstacles in doing so;

13 (C) describes the goals of technical assist-
14 ance provided under subsection (a)(2); and

15 (D) proposes a course for the provision of
16 the technical assistance that is proven to en-
17 hance broadband access on tribal lands.

18 (2) CONSULTATIONS REQUIRED.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), in developing the plan, the Secretary
21 of Agriculture and the Federal Communications
22 Commission shall jointly—

23 (i) conduct an in-person consultation
24 with the Indian tribes and tribal members
25 involved, in a forum open to the public;

1 (ii) publish in the Federal Register
2 the date of the consultation not later than
3 14 days before that date;

4 (iii) within 30 days after the date of
5 the consultation, transcribe or record the
6 consultation, and make the transcription or
7 record available to the public; and

8 (iv) not later than 30 days before fi-
9 nalizing the plan, make available to the
10 public a document that demonstrates how
11 the consultation affected the development
12 of the plan.

13 (B) WAIVER AUTHORITY.—The Secretary
14 of Agriculture and the Federal Communications
15 Commission may jointly waive the requirement
16 of subparagraph (A) with respect to a group of
17 Indian tribes if at least $\frac{5}{6}$ of the Indian tribes
18 involved agree to the waiver.

19 (c) DEFINITION OF INDIAN TRIBE.—In this section,
20 the term “Indian tribe” has the meaning given the term
21 in section 102(2) of the Federally Recognized Indian
22 Tribe List Act of 1994.

23 (d) LIMITATIONS ON AUTHORIZATION OF APPRO-
24 PRIATIONS.—To carry out this section, there are author-

1 ized to be appropriated to the Secretary of Agriculture not
2 more than \$500,000 for each fiscal year.

3 **SEC. 2. PARITY FOR TRIBAL REGULATORY COMMISSIONS.**

4 Section 306(a)(20)(E) of the Consolidated Farm and
5 Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is
6 amended—

7 (1) by inserting “and tribal” after “State”; and

8 (2) by striking “states” and inserting “States
9 and tribal lands”.

10 **SEC. 3. SUBSTANTIALLY UNDERSERVED TRUST AREAS.**

11 Section 306F of the Rural Electrification Act of 1936
12 (7 U.S.C. 936f) is amended by adding at the end the fol-
13 lowing:

14 “(e) REFINANCING LOANS IN SUBSTANTIALLY UN-
15 DERSERVED TRUST AREAS.—Notwithstanding any other
16 provision of this Act, the Secretary or a designee of the
17 Secretary may make or guarantee a loan to refinance a
18 loan made to any person who has applied for, or has out-
19 standing, a loan or loan guarantee from the Rural Utilities
20 Service for a project under an eligible program, to improve
21 or continue the availability of projects that serve commu-
22 nities in substantially underserved trust areas.”.

1 **SEC. 4. DISTANCE LEARNING AND TELEMEDICINE GRANTS**
2 **ON INDIAN RESERVATIONS.**

3 Section 2333(d)(5) of the Food, Agriculture, Con-
4 servation, and Trade Act of 1990 (7 U.S.C. 950aaa-
5 2(d)(5)) is amended by inserting “(including on and off
6 an Indian reservation)” after “geographical diversity”.

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